

Issued May 21, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2347.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF WILD CHERRY CORDIAL AND BLACKBERRY CORDIAL.

On November 20, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District a libel for the seizure and condemnation of one barrel of wild cherry cordial and one barrel of blackberry cordial remaining unsold in the original unbroken packages and in possession of Charles Arey, 480 Pennsylvania Avenue NW., Washington, D. C., alleging that the product had been shipped on or about October 9, 1911, from the State of Ohio into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The wild cherry cordial was labeled: "Wild Cherry Cordial. A compound. The Sweet Valley Wine Co., Rectifiers & Wholesale Liquor Dealers, Sandusky, Ohio. Serial No. 124 Guaranteed not to be adulterated or misbranded within the meaning of the National Law, June 30, 1906. x Ohio Puritan Cordial. Wild Cherry Flavor. A compound." The blackberry cordial was labeled: "Blackberry Cordial—A compound—The Sweet Valley Wine Co., Rectifiers and Wholesale Liquor Dealers, Sandusky, Ohio." "Serial No. 124 Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law, June 30, 1906. x Ohio Puritan Cordial Blackberry Flavor A compound."

Adulteration of the products was alleged in the libels for the reason that said liquids labeled and branded as set forth above were not wild cherry cordial or blackberry cordial, or entitled to be so called, but they were imitations of wild cherry cordial and blackberry cordial, respectively, in which low-grade wine had been substituted for the

said wild cherry cordial or blackberry cordial, and were preparations which had been colored and flavored and mixed by the addition of artificial coloring and flavoring matter or substance, in a manner whereby their inferiority was concealed, and in order to imitate wild cherry cordial or blackberry cordial, as the case might be, and whereby the said product in fact imitated and appeared to be wild cherry cordial or blackberry cordial. Misbranding was alleged for the reason that the barrels containing the products were labeled and branded so as to deceive and mislead the purchaser thereof, for that said labels above set forth signified and imported that the liquids contained therein were wild cherry cordial and blackberry cordial, respectively, when, in truth and in fact, said liquids were not wild cherry cordial or blackberry cordial, or entitled to be so called, but were mixtures containing, in addition to a low grade of wine, a certain quantity of coloring and flavoring matter.

On December 10, 1912, the Sweet Valley Wine Co., a corporation, Sandusky, Ohio, claimant, having paid the costs of the proceedings, and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon the execution of bond in the sum of \$200 in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 19, 1913.*

2347

